

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

FIREMAN'S FUND INSURANCE	}	
COMPANY,	}	
	}	
Plaintiff,	}	CIVIL ACTION NO.
	}	06-AR-0676-S
v.	}	
	}	
CHRISTIAN CHEERLEADERS	}	
ASSOCIATION, et al.,	}	
	}	
Defendants.	}	


**MEMORANDUM OPINION**

At today's motion docket, the motions filed by all five defendants to dismiss the complaint of Fireman's Fund Insurance Company ("Fireman's Fund"), were orally argued. Plaintiff concedes that it never issued an insurance policy to defendant, Christian Cheerleaders Association, and that its subsidiary, Chicago Insurance Company, was the only insurer. Only if Fireman's Fund has standing to sue does this court have diversity jurisdiction under 28 U.S.C. § 1332. The only basis for standing would necessitate the assumption by this court that the reference to Fireman's Fund in the consent decree entered by the Circuit Court of St. Clair County, Alabama, in the underlying case, somehow entitled Fireman's Fund to seek declaratory relief respecting a possible obligation by Chicago Insurance Company.

Because the only plaintiff entitled to seek declaratory relief of the sort sought here would be Chicago Insurance Company, which shares citizenship with defendant, Allstate

Insurance Company, the motions to dismiss will be granted by separate order for lack of subject-matter jurisdiction.

DONE this 19<sup>th</sup> day of May, 2006.

  
WILLIAM M. ACKER, JR.  
UNITED STATES DISTRICT JUDGE